

PATENT

Atty. Dkt. No. 2001-0110

REMARKS

In view of the above amendments and the following discussion, Applicants submit that none of the claims now pending in the application are unpatentable, anticipated or obvious under the provisions of 35 U.S.C. §§ 112, 102 and 103. Thus, Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 5 AND 9 UNDER 35 U.S.C. § 112

The Examiner has rejected claims 5 and 9 in the Office Action under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicants herein cancel claims 5 and 9 without prejudice. The rejection is now moot. However, Applicants reserve the right to file one or more continuation applications to continue prosecution of these canceled claims.

II. REJECTION OF CLAIMS 1-2, 4 AND 8 UNDER 35 U.S.C. § 102

The Examiner has rejected claim 1-2, 4 and 8 in the Office Action under 35 U.S.C. § 102 as being anticipated by Shi ("Analysis and design of survivable telecommunication networks", IEEE, hereinafter referred to as "Shi").

Responsive to the Examiner, Applicants herein cancel claims 1-2, 4 and 8 without prejudice. The rejection is now moot. However, Applicants reserve the right to file one or more continuation applications to continue prosecution of these canceled claims.

III. REJECTION OF CLAIMS 3, 5, 7 AND 9 UNDER 35 U.S.C. § 103

The Examiner has rejected claims 3, 5, 7 and 9 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Shi view of Huang, et al. (US 6,301,244, issued October 9, 2001, herein referred to as "Huang").

Responsive to the Examiner, Applicants herein cancel claims 3, 5, 7 and 9 without prejudice. The rejection is now moot. However, Applicants reserve the right to

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file one or more continuation applications to continue prosecution of these canceled claims.

IV. ALLOWED SUBJECT MATTER

The Examiner has objected to claims 6 and 10 as being dependent upon a rejected base claim, but indicated claims 6 and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have amended claims 6 and 10 into allowable form as suggested by the Examiner. It should be noted that claim 10 was amended into independent claim form as being dependent on independent claim 2 instead of independent claim 1. Furthermore, claims 6 and 10 were further amended to increase clarity of the claims and these additional amendments were not added in view of the cited references. Applicants respectfully request the objection be withdrawn and request allowance of these claims.

Conclusion


Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §§ 112, 102 and 103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Patterson & Sheridan, LLP
595 Shrewsbury Avenue
Shrewsbury, New Jersey 07702


Kin-Wah Tong, Attorney
Reg. No. 39,400
(732) 530-9404